

**[continued on next page]**

### **3. Claims and Defenses**

Plaintiff's Claims:

- A. Fair Labor Standards Act (29 USC 201 et seq): Plaintiff asserts that he regularly worked in excess of 40 hours per week but was not paid overtime premiums by his former employer. Plaintiff asserts that the Defendant -- who was the owner and principle officer of the employer -- is an employer within the meaning of the Fair Labor Standards Act.
- B. New York Minimum Wage Act (12 N.Y.C.R.R. 141-1.1 et seq): Plaintiff asserts parallel liability under the State Minimum Wage Act.
- C. New York Labor Law (New York Labor Law Section 191 et seq): Plaintiff alleges that the Defendant failed to pay earned commissions.
- D. New York Wage Theft Prevention Act (New York Labor Law Section 195, 198): Plaintiff alleges that Defendant failed to provide proper notice under the Wage Theft Prevention Act of his terms of employment and weekly hours worked.
- E. Plaintiff has not asserted any claims that are not to be tried.

Defendants' Defenses:

### **4. Jury or Bench Trial**

This matter is jury-waived. Trial is anticipated to last 1 day.

### **5. Consent to Trial by Magistrate Judge**

The parties have not consented to trial by magistrate judge.

### **7. Witnesses**

Plaintiff's Witnesses:

Plaintiff intends to offer his own testimony as to (1) his days and hours of work; (2) his rate of pay; (3) notifications provided to him; (4) his processing of credit card transactions; and (5) the relationship among himself; the Defendant; and the corporate employer he worked for.

Defendant's witnesses:

**8. Deposition Designations**

Plaintiff's Deposition Designations:

Meric Deposition 7:25-8:17  
Meric Deposition 13:16-14:25  
Meric Deposition 17:8-17:19  
Meric Deposition 19:15-19:21

Defendant's Deposition Designations:

The parties stipulate to the following:

a. Plaintiff was employed by the Defendant and the Defendant is subject to coverage under applicable laws, i.e. the Fair Labor Standards Act; the New York Labor Law; the New York Minimum Wage Act; and the New York Wage Theft Prevention Act.

**9. Exhibits & Discovery Materials**

Plaintiff's Exhibits & Discovery Materials

1. Defendant's Time Records (Pugh 0001-0002)
2. Defendant Recommendation Letter for Pugh (Pugh 0004)
3. Paystubs (Pugh 0005-0017)
4. Plaintiff Request for Admission and Transmittal Letter
5. Defendant Response to Request for Admission
6. Email Correspondence Concerning Requests for Admission

Defendant's Exhibits

Defendant's Exhibits & Discovery Materials

**10. In Limine Motions**

None

**11. Uncontested Facts**

1. Plaintiff was employed by Shirtbrands Global LLC for approximately 1 year until his separation from employment in or about May of 2017.

2. At all times relevant to this matter, Defendant Iliya Meric was the co-owner and managing director of Shirtbrands Global LLC.

**12. Statement of Damages**

Plaintiff's Statement of Damages

1. Overtime - Back wages: At least approximately 50 hours, multiplied by an overtime rate of at least \$15 per hour, gives a total of at least approximately \$750.00

2. Liquidated Damages: An additional \$750.00

3. Wage Theft Prevention Act: \$5000 for failure to provide a wage notice and \$5000 for failure to provide accurate pay stubs for a total of \$10,000.

4. Commissions: 4% times \$10,000 per month over 12 months is approximately \$4800. Total commissions actually paid were less than approximately \$500 so total commissions sought are approximately \$4300.

5. Liquidated damages on Commissions: \$4300.

6. Prejudgment Interest: 9% for 2 years is 18% for a total of at least approximately \$1550.

7. Attorneys fees: At least 20 hours at \$400 per hour for a total of at least approximately \$8,000.

Respectfully submitted,



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Dated: New York, NY  
May 7, 2009

Respectfully submitted,

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Dated: New York, NY  
May 7, 2009